IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO.3639 OF 2005.

IN

FIRST APPEAL NO.1081 OF 1996.

Shri Vijay @ Ambadas Dattatraya Pawar : Applicant.

versus

Ramappa Ambannappa Masare and ors. : Respondents.

Mr.Sachin Dhakephalkar i/by Mr.D.K.Dhakephalkar for the applicant.

Mr.I.M.Kharai i/by Mr.V.B.Naik for Respondent No.1.

CORAM : D.G.DESHPANDE,J.

DATED : 16th September 2005.

ORAL ORDER

1. This application is filed by the original

appellant for restoration of his First Appeal No.1081 of 1996. This appeal was dismissed by me on 20th July 2005 as no steps to bring the legal heirs of deceased Respondent No.3 were taken.

2. Counsel for the appellant brings to my notice that two connected matters were there along with the present Appeal. Those are First Appeal No.1158 of 1996 and Writ Petition No.3174 of 1992 and those two matters were kept for final hearing by separating from the dismissed appeal. He, therefore, states that even if those two matters are likely to be heard and this present appeal is connected with those matters, then order of dismissal should be set aside. Counsel for the respondents has no serious objection. Therefore, this application is allowed. First Appeal No.1081 of 1996 is restored to file. This First Appeal as well as two other matters i.e. First Appeal No.11558 of 1996 and Writ Petition No.3174 of 1992 are to be heard finally. Counsel for the appellant states that it is not necessary to bring the legal heirs of respondent No.3 as he does not wish to proceed with against respondent No.3 or his legal heirs in all the three matters.

[D.G.DESHPANDE,J]